

DEC 23 2009

JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT

No. 09-90054

ORDER

**KOZINSKI**, Chief Judge:

Complainant alleges that a district judge improperly accepted a plea in a criminal case to which complainant was not a party. This charge relates directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). A misconduct complaint is not a proper vehicle to challenge a judge's rulings on the merits. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judge must be mentally incompetent to have made such a mistake. Complainants may not challenge a judge's rulings on the merits simply by characterizing them as proof of mental disability. Because complainant hasn't provided any other objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support this allegation, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093

(9th Cir. Jud. Council 2009).

**DISMISSED.**